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May 22, 2002

HAND DELIVER

Mary L. Cottrell, Secretary  
Department of Telecommunications  
and Energy  
One South Station  
Boston, Massachusetts 02110

Re: The Berkshire Gas Company, D.T.E. 02-19

Dear Secretary Cottrell:

Enclosed please find a redacted version of the responses of The Berkshire Gas Company (the "Company") to the First Set of Information Requests of the Department of Telecommunications and Energy ("DTE").

Please note that consistent with the Motion for Confidential Treatment of The Berkshire Gas Company filed April 5, 2002 and the Department's decision in The Berkshire Gas Company, D.T.E. 01-41 (2001), the Company respectfully requests that the Department grant confidential treatment to certain of these responses. Specifically, the Company requests that confidential treatment be accorded to its Response to Information Request DTE 1-3 that provides a list of recipients and bidders pursuant to the Berkshire RFP and the Joint RFP. The Company respectfully submits that the identity and number of bidders should be accorded confidential treatment as it will likely enhance the result of future competitive solicitations. In addition, the Company requests that its Response to Information Request DTE 1-18 wherein a copy of the risk management policy of New York State Electric and Gas Corporation is provided. The Company maintains a similar, essentially identical policy. These policies describe optimization strategies that the Company submits are proprietary and competitively sensitive. The Company also requests that its Response to Information Request DTE 1-24 be subject to confidential treatment as it describes the amount of supply resources provided by BP Energy that is derived from Exhibit B-4 of the Optimization Agreement that has been subject to a prior request for confidential treatment. Confidential treatment is also requested for the Company's Response to Information Request 1-25 that provides an example of the application of the confidential pricing formula summarized in Exhibit B-1 to the Optimization Agreement. Similarly, the Company

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seeks confidential treatment for its Response to Information Request DTE 1-34 that describes specific, competitively sensitive transactions that may be pursued pursuant to the Optimization Agreement. Accordingly, the copy of the responses provided to you includes redacted versions of several responses.

The Hearing Officer is being provided non-redacted responses and the Attorney General and the Division of Energy Resources are being provided non-redacted responses pursuant to confidentiality agreements. Please note that the Company is working with BP Energy to develop a final response to Information Requests DTE 1-23 and DTE 1-27. Responses will be provided as soon as they are available.

Please call me if you require further assistance with respect to these matters.

Thank you for your consideration.

Very truly yours,

BROWN RUDNICK BERLACK ISRAELS LLP

By: \_\_\_\_\_  
James M. Avery

JMA/cdw  
Enclosure

cc: John R. Craven, Esq., Hearing Officer (w/4 enc via hand delivery)  
Alexander J. Cochis, Esq., Assistant Attorney General (w/3 enc via hand delivery)  
Matthew T. Morais, DOER Legal Counsel (w/1 enc via hand delivery)  
Patricia Crowe, Senior Counsel, KeySpan Energy Delivery (w/1 redacted enc  
via hand delivery)  
Karen L. Zink, Vice President (w/1 enc)  
Mr. Denis Wickham (w/1 enc)  
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